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6 Attorneys for Plaintiffs,
NORTHERN CALIFORNIA GLAZIERS,
7 et al. PENSION PLAN, et al.

8
9 UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
11

12 NORTHERN CALIFORNIA GLAZIERS,
ARCHITECTURAL METAL AND GLASS
13 WORKERS PENSION PLAN, et al.,

14 Plaintiffs,

15 v.

16 JOHN CORTEZ dba FRANK'S GLASS,

17 Defendant.

Case No.: C 06-2406 MJJ

**PLAINTIFFS' REQUEST FOR
CONTINUANCE OF CASE
MANAGEMENT CONFERENCE;**

Date: February 20, 2007

Time: 2:00 p.m.

~~**(PROPOSED)**~~ ORDER

18
19 Plaintiffs again submit a Request for Continuance of the Case Management Conference
20 currently scheduled for February 20, 2007 at 2:00 p.m., *to allow them to file a Motion for Default*
21 *Judgment.*

22 1. The complaint in this action was filed on April 6, 2006 to compel defendant to
23 allow plaintiffs to audit its records in accordance with its collective bargaining agreement, and for
24 payment of any amount found due upon audit.

25
26 2. **The Defendants did not make an appearance in this action,** but agreed to an
27 audit date of July 17, 2006. Plaintiffs therefore requested, and the Court ordered, that the Case
28 Management Conference set for July 18, 2006 be continued, to October 3, 2006.

3. On September 20, 2006, the Court vacated that conference and rescheduled it for October 17, 2006. The Court then continued that conference to December 19, 2006, to allow Plaintiffs' auditors time to complete their report.

4. Just prior to that date Plaintiffs' auditors completed their report, and the Court again reset the conference date, to February 20, 2007, to allow the report to be sent to Defendant for a 10 day review or response, followed by billing for payment to be made.

5. The audit report, then billing, was sent to Defendant's accountant, with whom the auditors dealt. In the absence of any response the billing was again sent, directly to Defendant, *with a response date of February 5, 2007*. There has been no response and no payment of the amounts found due on audit.

6. Plaintiffs therefore again **request a continuance of the Case Management Conference for a period of approximately 60 days** to allow for their preparation and service of a **Motion for Default Judgment**.

Dated: February 12, 2007

Respectfully submitted,
SALTZMAN & JOHNSON LAW CORPORATION

By: _____/s/_____
Muriel B. Kaplan
Attorneys for Plaintiffs

ORDER

The Case Management Conference scheduled in this matter for February 20, 2007, at 2:00 p.m. is hereby continued to April 24, 2007 at 2:00 p.m.

IT IS SO ORDERED.

Dated: 02/14/07

UNITED STATES

